

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

AETNA LIFE INSURANCE COMPANY,

No. CV 09-977-MO

Plaintiff,

OPINION & ORDER

v.

TODD MACCLANATHAN, et al.,

Defendants.

MOSMAN, J.

On December 16, 2009, the Court granted Aetna's motion for an order of discharge in interpleader. (Op. & Order (#19).) This matter comes before the Court on Aetna Life Insurance Company's Unopposed Motion for Attorney Fees and Costs (#20) and Bill of Costs (#23).

Through its inherent equitable powers, the Court has discretion to award attorney fees and costs to a disinterested stakeholder who files an action in interpleader to promote early litigation on the ownership of the fund. *Trs. of Dirs. Guild of Am.-Producer Pension Benefits Plans v. Tise*, 234 F.3d 415, 426-27 (9th Cir. 2000); *Abex Corp. v. Ski's Enters., Inc.*, 748 F.2d 513, 516 (9th Cir. 1984). In such cases, awards are commonly give for "preparing the complaint, obtaining service of process on the claimants to the fund, and preparing an order discharging the plaintiff from liability and dismissing it from the action." *Trs. of Dirs. Guild*, 234 F.3d at 426-27. An award of fees and costs is appropriate in this case because Aetna is a disinterested stakeholder that has shown its requested attorney fees and costs are limited to actions necessary to file the action in interpleader and

obtain discharge from liability. (Mehrbari Decl. (#22) Ex. A.)

For the foregoing reasons, I GRANT Aetna's Motion for Attorney Fees (#20) in the amount of \$7,054.50, and GRANT Aetna's Bill of Costs (#23) in the amount of \$413.75. These fees and costs are to be paid from the insurance proceeds which have been deposited into the registry of the Court.

IT IS SO ORDERED.

DATED this 12th day of January, 2010.

/s/ Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge